

AUG 11 1993

Mr. Dwight E. Shelor, Associate Director
for Systems and Compliance
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. Shelor:

SUBJECT: REVIEW PLAN FOR REVIEW OF U.S. DEPARTMENT OF ENERGY STUDY PLANS

In a letter of May 20, 1993, (Shelor to Holonich), the U.S. Department of Energy (DOE) provided comments on the revised U.S. Nuclear Regulatory Commission Review Plan for NRC Staff Review of DOE Study Plans (Revision 2). DOE's review focused on the relationship between the NRC review plan and the 1993 DOE/NRC Level of Detail Agreement and Review Process for Study Plans (LOD) and resulted in four concerns. DOE's concerns and NRC's responses to those concerns are as follows:

1. DOE Concern: The study plan review plan (SPRP) "does not clearly indicate whether DOE will be notified within 90 days of any identified objection."

Response: The revised SPRP allows for a single review in which the responsible NRC technical staff would determine whether the study plan is acceptable, identify any objections (as defined in Section 4.1.2 of the SPRP) and document any detailed technical concerns in the form of comments and questions, if warranted. The SPRP allows NRC staff the option to provide detailed technical concerns to DOE at the same time as the staff's acceptance/objection review (within 3 months) or at a later date as a separate transmittal (within 6 months). The revised SPRP did not change the three month time period for transmittal of objections to DOE and Section 4.1.2 of the SPRP states that "If objections are identified by the staff, they are to be transmitted in writing to DOE within three months of the receipt of the study plan." A similar statement is also being added in Section 3.0 to further clarify the timing of the review.

2. DOE Concern: Section 4.1.1 of the SPRP is not consistent with the LOD, although wording in step 7 in Section 4.2 appears to be consistent.

Response: The NRC acknowledges that wording in Section 4.1.1 of the SPRP is inconsistent with Section 4.2 and the LOD. The NRC plans to revise the SPRP to change Section 4.1.1, first paragraph, last sentence to state that the staff should also identify any not-readily-obtainable references that will be needed to complete the review.

3. DOE Concern: Paragraph 3 of Section 1.0 of the SPRP incorrectly refers to the Site Characterization Plan.

9308180170 930811
PDR WASTE
WM-11 PDR

107, 2
WM-11
NHYL 6 1/0

Response: The S... will be revised to state that an up-to-date list of individual test procedures pertinent to each study plan will accompany all DOE study plans transmitted to the NRC."

- 4. DOE Concern: Objective 5 of Section 2.2 of the SPRP states that the NRC staff's review should determine whether a study plan references a quality assurance (QA) program. The LOD does not require that a reference to a QA program be in a study plan.

Response: Although the LOD does not require a reference to a QA program in the body of a study plan, the NRC QA staff reviews each study plan to determine whether the responsible organization (e.g., U.S. Geological Survey, Los Alamos National Laboratory, or Sandia National Laboratories) has a QA program that has been accepted by the NRC and has no outstanding open items relative to its QA program that could call into question the quality of the study plan. At the DOE/NRC QA meeting on July 20, 1993, DOE representatives stated that the Yucca Mountain Quality Assurance Division (YMQAD) now reviews and approves all study plans by signature on the front page of each study plan. The NRC QA staff, in its review of study plans, verifies that a study plan has received that YMQAD review.

If you have any questions related to these responses or the SPRP, please contact Ms. Charlotte Abrams of my staff at 301-504-3403.

Sincerely,

/s/ Joseph J. Holonich, Director
Repository Licensing and Quality Assurance
Project Directorate
Division of High-Level Waste Management
Office of Nuclear Material Safety and Safeguards

- cc: R. Loux, State of Nevada
T. J. Hickey, Nevada Legislative Committee
C. Gertz, DOE/NV
M. Murphy, Nye County, NV
M. Baughman, Lincoln County, NV
D. Bechtel, Clark County, NV
D. Weigel, GAO
P. Niedzielski-Eichner, Nye County, NV
B. Mettam, Inyo County, CA
V. Poe, Mineral County, NV
F. Sperry, White Pine County, NV
R. Williams, Lander County, NV
L. Fiorenzi, Eureka County, NV
J. Hoffman, Esmeralda County, NV
C. Schank, Churchill County, NV
L. Bradshaw, Nye County, NV

DISTRIBUTION

CNWRA LPDR BYoungblood, HLWM On-Site Reps
NMSS R/F ACNW JLinehan, HLWM
HLPD R/F PDR RBallard, HLGE
LSS CENTRAL FILE MFederline, HLHP

Table with 8 columns and 3 rows. Columns: OFC, HLPD, HLPD, HLPD, HLPD, HLPD, HLPD, HLPD. Rows: NAME (CABrams/wd, JHolonich), DATE (08/1/93, 08/1/93)